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CUTLER, ALBERT H	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary	Application No.	Applicant(s)	
	10/664,162	SOGA, TAKASHI	
	Examiner	Art Unit	
	Albert H. Cutler	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 April 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This office action is responsive to communication filed on April 18, 2007. Claims 1-10 are pending in the application.

Response to Arguments

2. Applicant's arguments filed April 18, 2007 have been fully considered but they are not persuasive.

3. Applicant argues, "The obtaining of the freeze image data using the solid state imaging device operating in a distinct camera operation mode is not disclosed or suggested in Wiezel et al., Sannoh et al., Nakamura or Lavelle et al."

4. The Examiner respectfully disagrees. Wiezel et al. does not explicitly teach of using a solid-state imaging device, or of a distinct camera operation mode other than a template-view photography mode. However, distinct camera operation modes other than template-view photography modes, such as an image-capturing mode are often used in cameras, as indicated by Sannoh et al., paragraphs 0035 and 0037. Sannoh et al., in paragraph 0035, teach of an operation section comprising various buttons for issuing commands to a digital camera, such as release buttons, and mode selection buttons. Sannoh et al., further teach, in paragraph 0037, of the operation of a distinct image-capturing mode in which an image is captured via the full press of the shutter button. Sannoh et al. further teach that the image is captured using a solid-state imaging device(CCD, 3, figure 1).

Wiezel et al. teaches that the photo templates(i.e. freeze image data) can come from sources other than the CD supplied with the camera(paragraph 0042). Wiezel et

al. teach, in paragraph 0045, that the photo templates can be "extracted by electronic means from existing pictures". Wiezel et al. further teach, in paragraph 0065, that templates can be, "created by the photographer from existing photos".

Therefore, Wiezel et al. teach of obtaining freeze image data using existing photos, and Sannoh et al. teach of obtaining said existing photos using a solid-state imaging device operating in a distinct camera operation mode. Consequently, photos obtained using the distinct camera mode operation taught by Sannoh et al. can be used to create the freeze image data taught by Wiezel et al.

Therefore, the Examiner is maintaining the rejection.

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiezel et al.(US Patent Application Publication 2003/0169350) in view of Sannoh et al.(US Patent Application Publication 2002/0149689).

The response by the Examiner to Applicant's arguments, as outlined above, is hereby incorporated into the rejection of claims 1 and 4 by reference.

Consider claim 1, Wiezel et al. teach:

A digital camera("photographing apparatus", 3, figure 1, paragraph 0041), the digital camera(3) comprising:

a mode switching section(A button is used to change the mode of the camera, paragraph 0043) that obtains and temporarily stores freeze image data representative of a composition in response to a composition determining operation(Photo templates(i.e. freeze frames) representing a composition("A photo template is a graphic representation of a composition" paragraph 0045) are selectively uploaded(i.e. the compositions are determined) to the digital camera(paragraph 0042)) and switches to an arbitrary one of a plurality of photographing modes("Guided Photo" is one of a plurality of photographing modes, although Wiezel et al. teaches that this is in addition to already present modes(paragraph 0043)) in response to an actual photographing operation(In the "Guided Photo" mode, a user can look through the view window and view the object to be photographed with the template superimposed over the image. Paragraph 0043), the photographing modes including a photographing memory mode in which image data on a desired object is obtained(Wiezel et al. teaches of a "Guided Photo" mode in which desired templates(i.e. image data on desired objects) stored in memory can be viewed in the camera view window, paragraph 0043);

an image display section("view window", 2, figure 1, paragraph 0041) that displays an image based on the image data(see figure 1, paragraph 0043, The image display section can display a template alone, or a template superimposed on the viewing window.); and

a focusing section(paragraphs 0051-0053, Wiezel et al. teach that a more accurate auto-focus method can be performed using template information.), and

wherein in the photographing memory mode("Guided Photo"), after the composition determining operation(uploading templates from a PC, paragraph 0042) has been finished and before the actual photographing operation is started, the image display section(2) displays, in a superimposing manner(see figure 1, The photo templates are viewed "atop"(i.e. superimposed on) the image, paragraph 0041), a composition based on the freeze image data(template, 1, figure 1) obtained as a result of the composition determining operation and a through image based on through image data representative of the object image currently formed on the solid state imaging device(A composition is displayed showing the template superimposed over the image seen through the viewing window(i.e. the through image), paragraph 0043. This allows the user to position and photograph the subjects correctly.), and

the focusing section, during the actual photographing operation, performs focusing in accordance with the information obtained when the composition determining operation(templates are uploaded from the PC) is performed(In paragraph 0053, Wiezel et al. teach that the photo templates contain information regarding the main region of interest, and communicate said information to the camera's computer. This information allows the computer to perform auto-focusing.) Note: The auto-focus operation of Wiezel et al., discussed in paragraph 0053, uses focus information obtained in the template from the PC, not from focus distances directly measured from the photographing subject.

However, Wiezel et al. do not explicitly teach that the digital camera forms, on a solid state imaging device, an object image resulting from object light transmitted via a photographing optical system, to obtain image data representative of the object image. Nor do Wiezel et al. explicitly teach of a distance measuring section that measures a distance to the object, or that the focusing section performs focusing in accordance with the distance measured by the distance measuring section.

Sannoh et al. teach of a camera with auto-focus(figures 1, 3, 9, paragraphs 0028-0038, 0050-0064, 0090-0096). Like Wiezel et al., Sannoh et al. teach of a digital camera(figure 1) that contains a CPU(1, figure 1), and a display(LCD, 7, figure 1). Sannoh et al. also similarly teach that the display is used to provide information(Different colors of the display are used to indicate different camera states. See figure 3, paragraphs 0050-0064).

In addition to the teaching of Wiezel et al., Sannoh et al. explicitly teach that the digital camera(figure 1) forms, on a solid state imaging device(CCD, 3), an object image resulting("Forms an object image on the input surface of the CCD image pick-up element" paragraph 0030) from object light transmitted via a photographing optical system(lens, 2), to obtain image data representative of the object image(see paragraph 0030).

Also, Sannoh et al. teach of a distance measuring section(AF Sensor, 9, figure 1, S1, figure 3) that measures a distance to the object("obtains the distance measurement information by measuring the object distance", paragraph 0032), and that the focusing section performs focusing in accordance with the distance measured by the distance

measuring section("The CPU(1) controls the AF sensor(9) which measures the distance with respect to the photography object, and controls the lens driving system(8) according to the distance measurement result for displacing the photography lens system(2) which executes the auto focusing control with respect to the photography object", paragraph 0032).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to use an image pickup system including auto-focus executed in correlation with distance measurement as taught by Sannoh et al. in the digital camera taught by Wiezel et al. because one of the key elements when determining the quality of a photograph is determining whether or not it is in focus, and the distance measuring auto-focus technique allows a user to easily obtain desired focus with minimal risk of photography failure(Sannoh et al., paragraph 0005).

Consider claim 4, and as applied to claim 1 above, Wiezel et al. teach of both a composition determining operation and an actual photographing operation(see claim 1 rationale).

Wiezel et al. do not explicitly teach a shutter release button operated at two levels including a halfway press and a full press, and wherein in the photographing memory mode, the focusing section causes the distance measuring section to measure the distance in response to a halfway press operation performed on the shutter release button.

However, Sannoh et al. teach a shutter release button("release button", figure 9, paragraph 0090) operated at two levels including a halfway press and a full press(Half way press performs auto-focus and exposure control, see figure 9, paragraph 0096. A full press would capture the image.), and wherein in the photographing memory mode, the focusing section causes the distance measuring section to measure the distance in response to a halfway press operation performed on the shutter release button("the focusing operation and the exposing control are executed when the user half-presses the button" paragraph 0096. The focusing operation is performed in correlation with the data obtained from the distance measuring section, paragraph 0032).

7. Claims 2, 3, 5, 6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiezel et al.(US Patent Application Publication 2003/0169350) in view of Sannoh et al.(US Patent Application Publication 2002/0149689) and Nakamura(US Patent Application Publication 2001/0008423).

The response by the Examiner to Applicant's arguments, as outlined above, is hereby incorporated into the rejection of claims 2, 3, 5, 6, and 7 by reference.

Consider claim 2, Wiezel et al. teach:

A digital camera("photographing apparatus", 3, figure 1, paragraph 0041), the digital camera(3) comprising:

a mode switching section(A button is used to change the mode of the camera, paragraph 0043) that obtains and temporarily stores freeze image data representative of a composition in response to a composition determining operation(Photo templates(i.e. freeze frames) representing a composition("A photo template is a graphic representation of a composition" paragraph 0045) are selectively uploaded(i.e. the compositions are determined) to the digital camera(paragraph 0042)) and switches to an arbitrary one of a plurality of photographing modes("Guided Photo" is one of a plurality of photographing modes, although Wiezel et al. teach that this is in addition to already present modes(paragraph 0043)) in response to an actual photographing operation(In the "Guided Photo" mode, a user can look through the view window and view the object to be photographed with the template superimposed over the image. Paragraph 0043), the photographing modes including a photographing memory mode in which image data on a desired object is obtained(Wiezel et al. teach of a "Guided Photo" mode in which desired templates(i.e. image data on desired objects) stored in memory can be viewed in the camera view window, paragraph 0043);

an image display section("view window", 2, figure 1, paragraph 0041) that displays an image based on the image data(see figure 1, paragraph 0043, The image display section can display a template alone, or a template superimposed on the viewing window.); and

an exposure adjusting section(paragraphs 0051-0053, Wiezel et al. teach that a more accurate exposure method can be performed using template information.), and

wherein in the photographing memory mode("Guided Photo"), after the composition determining operation(uploading templates from a PC, paragraph 0042) has been finished and before the actual photographing operation is started, the image display section(2) displays, in a superimposing manner(see figure 1, The photo templates are viewed "atop"(i.e. superimposed on) the image, paragraph 0041), a composition based on the freeze image data(template, 1, figure 1) obtained as a result of the composition determining operation and a through image based on through image data representative of the object image currently formed on the solid state imaging device(A composition is displayed showing the template superimposed over the image seen through the viewing window(i.e. the through image), paragraph 0043. This allows the user to position and photograph the subjects correctly.), and

the exposure adjusting section, during the actual photographing operation, performs exposure control in accordance with the information obtained when the composition determining operation(templates are uploaded from the PC) is performed(In paragraph 0053, Wiezel et al. teach that the photo templates contain information regarding the main region of interest, and communicate said information to the camera's computer. This information allows the computer to perform exposure control.) Note: The exposure control operation of Wiezel et al., discussed in paragraph 0053, uses exposure information obtained in the template from the PC, not from luminance values directly measured from the photographing subject.

However, Wiezel et al. do not explicitly teach that the digital camera forms, on a solid state imaging device, an object image resulting from object light transmitted via a

photographing optical system, to obtain image data representative of the object image. Also, Wiezel et al. do not explicitly teach a luminance measuring section that measures a luminance of the object, or an exposure adjusting section that adjusts exposure in accordance with the luminance measured by the luminance measuring section.

Sannoh et al. teach of a camera with auto-focus(figures 1, 3, 9, paragraphs 0028-0038, 0050-0064, 0090-0096). Like Wiezel et al., Sannoh et al. teach of a digital camera(figure 1) that contains a CPU(1, figure 1), and a display(LCD, 7, figure 1). Sannoh et al. also similarly teach that the display is used to provide information(Different colors of the display are used to indicate different camera states. See figure 3, paragraphs 0050-0064).

In addition to the teaching of Wiezel et al., Sannoh et al. explicitly teach that the digital camera(figure 1) forms, on a solid state imaging device(CCD, 3), an object image resulting("Forms an object image on the input surface of the CCD image pick-up element" paragraph 0030) from object light transmitted via a photographing optical system(lens, 2), to obtain image data representative of the object image(see paragraph 0030).

Nakamura teaches of a distance measuring and luminance measuring camera(see figure 12, numbers 102 and 108 represent the distance and luminance measuring portions). Like Wiezel et al., the camera of Nakamura uses a CPU(100, paragraph 0054), and also like Wiezel et al., Nakamura is focusing on the problem of correctly photographing the subject in a photograph. However, instead of using templates to correctly position the subject, Nakamura uses distance and luminance

measuring to find the object of interest and adjust the focus and exposure accordingly(see paragraph 0005).

In addition to the teachings of Wiezel et al. and Sannoh et al., Nakamura teaches a luminance measuring section("luminance calculating portion", 108, figure 12, paragraphs 0053-0058) that measures a luminance of the object("calculates the luminance corresponding to each measuring point based on the output of the sensor" paragraph 0057), and adjusts exposure in accordance with the luminance measured by the luminance measuring section(Sensor 114 is used to detect luminance, paragraph 0055. These luminance values allow the finding of unmeasurable regions, and continuous or discontinuous regions, paragraph 0084. This allows the camera to determine the main object in the photograph, and automatically set the exposure(paragraph 0005)).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to use an image pickup system including exposure control executed in correlation with luminance measurement as taught by Nakamura and Sannoh et al. in the digital camera taught by Wiezel et al. because brightness is one of the key elements when determining the quality of a photograph(Sannoh et al., paragraph 0005), and performing exposure control using measured luminance values enables the camera to recognize the main object of a photograph and automatically set the exposure to obtain the desired brightness(Nakamura, paragraph 0005).

Consider claim 3, Wiezel et al. teach:

A digital camera("photographing apparatus", 3, figure 1, paragraph 0041), the digital camera(3) comprising:

a mode switching section(A button is used to change the mode of the camera, paragraph 0043) that obtains and temporarily stores freeze image data representative of a composition in response to a composition determining operation(Photo templates(i.e. freeze frames) representing a composition("A photo template is a graphic representation of a composition" paragraph 0045) are selectively uploaded(i.e. the compositions are determined) to the digital camera(paragraph 0042)) and switches to an arbitrary one of a plurality of photographing modes("Guided Photo" is one of a plurality of photographing modes, although Wiezel et al. teach that this is in addition to already present modes(paragraph 0043)) in response to an actual photographing operation(In the "Guided Photo" mode, a user can look through the view window and view the object to be photographed with the template superimposed over the image. Paragraph 0043), the photographing modes including a photographing memory mode in which image data on a desired object is obtained(Wiezel et al. teach of a "Guided Photo" mode in which desired templates(i.e. image data on desired objects) stored in memory can be viewed in the camera view window, paragraph 0043);

an image display section("view window", 2, figure 1, paragraph 0041) that displays an image based on the image data(see figure 1, paragraph 0043, The image display section can display a template alone, or a template superimposed on the viewing window.);

a focusing section(paragraphs 0051-0053, Wiezel et al. teach that a more accurate auto-focus method can be performed using template information.), and

an exposure adjusting section(paragraphs 0051-0053, Wiezel et al. teach that a more accurate exposure method can be performed using template information.), and

wherein in the photographing memory mode("Guided Photo"), after the composition determining operation(uploading templates from a PC, paragraph 0042) has been finished and before the actual photographing operation is started, the image display section(2) displays, in a superimposing manner(see figure 1, The photo templates are viewed "atop"(i.e. superimposed on) the image, paragraph 0041), a composition based on the freeze image data(template, 1, figure 1) obtained as a result of the composition determining operation and a through image based on through image data representative of the object image currently formed on the solid state imaging device(A composition is displayed showing the template superimposed over the image seen through the viewing window(i.e. the through image), paragraph 0043. This allows the user to position and photograph the subjects correctly.), and

the focusing section, during the actual photographing operation, performs focusing in accordance with the information obtained when the composition determining operation(templates are uploaded from the PC) is performed(In paragraph 0053, Wiezel et al. teach that the photo templates contain information regarding the main region of interest, and communicate said information to the camera's computer. This information allows the computer to perform auto-focusing.) Note: The auto-focus operation of Wiezel et al., discussed in paragraph 0053, uses focus information obtained in the

template from the PC, not from focus distances directly measured from the photographing subject.

the exposure adjusting section, during the actual photographing operation, performs exposure control in accordance with the information obtained when the composition determining operation(templates are uploaded from the PC) is performed(In paragraph 0053, Wiezel et al. teach that the photo templates contain information regarding the main region of interest, and communicate said information to the camera's computer. This information allows the computer to perform exposure control.) Note: The exposure control operation of Wiezel et al., discussed in paragraph 0053, uses exposure information obtained in the template from the PC, not from luminance values directly measured from the photographing subject.

However, Wiezel et al. do not explicitly teach that the digital camera forms, on a solid state imaging device, an object image resulting from object light transmitted via a photographing optical system, to obtain image data representative of the object image. Nor do Wiezel et al. explicitly teach of a distance measuring section that measures a distance to the object, or that the focusing section performs focusing in accordance with the distance measured by the distance measuring section.

Sannoh et al. teach of a camera with auto-focus(figures 1, 3, 9, paragraphs 0028-0038, 0050-0064, 0090-0096). Like Wiezel et al., Sannoh et al. teach of a digital camera(figure 1) that contains a CPU(1, figure 1), and a display(LCD, 7, figure 1). Sannoh et al. also similarly teach that the display is used to provide

information(Different colors of the display are used to indicate different camera states. See figure 3, paragraphs 0050-0064).

In addition to the teaching of Wiezel et al., Sannoh et al. explicitly teach that the digital camera(figure 1) forms, on a solid state imaging device(CCD, 3), an object image resulting("Forms an object image on the input surface of the CCD image pick-up element" paragraph 0030) from object light transmitted via a photographing optical system(lens, 2), to obtain image data representative of the object image(see paragraph 0030).

Also, Sannoh et al. teach of a distance measuring section(AF Sensor, 9, figure 1, S1, figure 3) that measures a distance to the object("obtains the distance measurement information by measuring the object distance", paragraph 0032), and that the focusing section performs focusing in accordance with the distance measured by the distance measuring section("The CPU(1) controls the AF sensor(9) which measures the distance with respect to the photography object, and controls the lens driving system(8) according to the distance measurement result for displacing the photography lens system(2) which executes the auto focusing control with respect to the photography object", paragraph 0032).

However, Wiezel et al. and Sannoh et al. do not explicitly teach a luminance measuring section that measures a luminance of the object, or an exposure adjusting section that adjusts exposure in accordance with the luminance measured by the luminance measuring section.

Nakamura teaches of a distance measuring and luminance measuring camera(see figure 12, numbers 102 and 108 represent the distance and luminance measuring portions). Like Wiezel et al., the camera of Nakamura uses a CPU(100, paragraph 0054), and also like Wiezel et al., Nakamura is focusing on the problem of correctly photographing the subject in a photograph. However, instead of using templates to correctly position the subject, Nakamura uses distance and luminance measuring to find the object of interest and adjust the focus and exposure accordingly(see paragraph 0005).

In addition to the teachings of Wiezel et al. and Sannoh et al., Nakamura teaches a luminance measuring section("luminance calculating portion", 108, figure 12, paragraphs 0053-0058) that measures a luminance of the object("calculates the luminance corresponding to each measuring point based on the output of the sensor" paragraph 0057), and adjusts exposure in accordance with the luminance measured by the luminance measuring section(Sensor 114 is used to detect luminance, paragraph 0055. These luminance values allow the finding of unmeasurable regions, and continuous or discontinuous regions, paragraph 0084. This allows the camera to determine the main object in the photograph, and automatically set the exposure(paragraph 0005)).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to use an image pickup system including exposure control and auto-focus executed in correlation with luminance measurement and distance measurement as taught by Nakamura and Sannoh et al. in the digital camera taught by

Wiezel et al. because brightness and focus are two of the key elements when determining the quality of a photograph(Sannoh et al., paragraph 0005), and performing exposure control and auto-focus using measured luminance and distance values enables the camera to recognize the main object of a photograph and automatically set the exposure to obtain the desired brightness and focus(Nakamura, paragraph 0005).

Consider claim 5, and as applied to claim 3 above, Wiezel et al. teach of both a composition determining operation and an actual photographing operation(see claim 1 rationale).

Wiezel et al. do not explicitly teach a shutter release button operated at two levels including a halfway press and a full press, and wherein in the photographing memory mode, the focusing section causes the distance measuring section to measure the distance in response to a halfway press operation performed on the shutter release button.

However, Sannoh et al. teach a shutter release button("release button", figure 9, paragraph 0090) operated at two levels including a halfway press and a full press(Half way press performs auto-focus and exposure control, see figure 9, paragraph 0096. A full press would capture the image.), and wherein in the photographing memory mode, the focusing section causes the distance measuring section to measure the distance in response to a halfway press operation performed on the shutter release button("the focusing operation and the exposing control are executed when the user half-presses

the button" paragraph 0096. The focusing operation is performed in correlation with the data obtained from the distance measuring section, paragraph 0032).

Consider claim 6 and as applied to claim 2 above, Wiezel et al. teach of both a composition determining operation and an actual photographing operation(see claim 2 rationale).

Wiezel et al. do not explicitly teach a shutter release button operated at two levels including a halfway press and a full press, and wherein in the photographing memory mode, the exposure adjusting section causes the luminance measuring section to measure the luminance in response to a halfway press operation performed on the shutter release button.

However, Sannoh et al. teach a shutter release button("release button", figure 9, paragraph 0090) operated at two levels including a halfway press and a full press(Half way press performs auto-focus and exposure control, see figure 9, paragraph 0096. A full press would capture the image.), and wherein in the photographing memory mode, the exposure adjusting section causes the luminance measuring section to measure the luminance in response to a halfway press operation performed on the shutter release button("the focusing operation and the exposing control are executed when the user half-presses the button" paragraph 0096.)

Consider claim 7 and as applied to claim 3 above, Wiezel et al. teach of both a composition determining operation and an actual photographing operation(see claim 2 rationale).

Wiezel et al. do not explicitly teach a shutter release button operated at two levels including a halfway press and a full press, and wherein in the photographing memory mode, the exposure adjusting section causes the luminance measuring section to measure the luminance in response to a halfway press operation performed on the shutter release button.

However, Sannoh et al. teach a shutter release button("release button", figure 9, paragraph 0090) operated at two levels including a halfway press and a full press(Half way press performs auto-focus and exposure control, see figure 9, paragraph 0096. A full press would capture the image.), and wherein in the photographing memory mode, the exposure adjusting section causes the luminance measuring section to measure the luminance in response to a halfway press operation performed on the shutter release button("the focusing operation and the exposing control are executed when the user half-presses the button" paragraph 0096.)

8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wiezel et al.(US Patent Application Publication 2003/0169350) in view of Sannoh et al.(US Patent Application Publication 2002/0149689) as applied to claim 1 above, and further in view of Lavelle et al.(US Patent 6,362,851).

The response by the Examiner to Applicant's arguments, as outlined above, is hereby incorporated into the rejection of claim 8 by reference.

Consider claim 8, and as applied to claim 1 above, the combination of Wiezel et al. and Sannoh et al. does not explicitly teach a photographing completion notifying section that notifies a user of completion of photographing in response to the actual photographing operation.

Lavelle et al. teach of a digital camera with a multitude of icons for notifying the user of various events(figures 1-8G, 9B, 12). Like Wiezel et al., Lavelle et al. teach that the camera can be connected to a PC(column 1, lines 56-67). Also like Wiezel et al., the camera of Lavelle et al. has a viewfinder(see column 4, lines 33-35, column 28, lines 39-44).

However, in addition to the teachings of Weizel et al. and Sannoh et al., Lavelle et al. teach a photographing completion notifying section that notifies a user of completion of photographing in response to the actual photographing operation(Lavelle et al. teach of an LED indicator(i.e. photographing completion notifying section) in the viewfinder that turns red to signify to the user that a picture has been taken, column 28, lines 39-44).

Therefore it would have been obvious to a person having ordinary skill in the art at the time of the invention to use the photographing completion notification section as taught by Lavelle et al. in the viewfinder of the digital camera taught by the combination

of Wiezel et al. and Sannoh et al. for the benefit of improving efficiency by signifying to a user when, indeed, a picture has been taken(Lavelle et al., column 28, lines 39-44).

9. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiezel et al.(US Patent Application Publication 2003/0169350) in view of Sannoh et al.(US Patent Application Publication 2002/0149689) and Nakamura(US Patent Application Publication 2001/0008423) as applied to claims 2 and 3 above, and further in view of Lavelle et al.(US Patent 6,362,851).

The response by the Examiner to Applicant's arguments, as outlined above, is hereby incorporated into the rejection of claims 9 and 10 by reference.

Consider claim 9, and as applied to claim 2 above, the combination of Wiezel et al., Sannoh et al., and Nakamura does not explicitly teach a photographing completion notifying section that notifies a user of completion of photographing in response to the actual photographing operation.

Lavelle et al. teach of a digital camera with a multitude of icons for notifying the user of various events(figures 1-8G, 9B, 12). Like Wiezel et al., Lavelle et al. teach that the camera can be connected to a PC(column 1, lines 56-67). Also like Wiezel et al., the camera of Lavelle et al. has a viewfinder(see column 4, lines 33-35, column 28, lines 39-44).

However, in addition to the teachings of Weizel et al., Sannoh et al., and Nakamura, Lavelle et al. teach a photographing completion notifying section that notifies a user of completion of photographing in response to the actual photographing operation(Lavelle et al. teaches of an LED indicator(i.e. photographing completion notifying section) in the viewfinder that turns red to signify to the user that a picture has been taken, column 28, lines 39-44).

Therefore it would have been obvious to a person having ordinary skill in the art at the time of the invention to use the photographing completion notification section as taught by Lavelle et al. in the viewfinder of the digital camera taught by the combination of Wiezel et al., Sannoh et al., and Nakamura for the benefit of improving efficiency by signifying to a user when, indeed, a picture has been taken(Lavelle et al., column 28, lines 39-44).

Consider claim 10, and as applied to claim 3 above, the combination of Wiezel et al., Sannoh et al., and Nakamura does not explicitly teach a photographing completion notifying section that notifies a user of completion of photographing in response to the actual photographing operation.

Lavelle et al. teach of a digital camera with a multitude of icons for notifying the user of various events(figures 1-8G, 9B, 12). Like Wiezel et al., Lavelle et al. teach that the camera can be connected to a PC(column 1, lines 56-67). Also like Wiezel et al., the camera of Lavelle et al. has a viewfinder(see column 4, lines 33-35, column 28, lines 39-44).

However, in addition to the teachings of Weizel et al., Sannoh et al., and Nakamura, Lavelle et al. teach a photographing completion notifying section that notifies a user of completion of photographing in response to the actual photographing operation(Lavelle et al. teaches of an LED indicator(i.e. photographing completion notifying section) in the viewfinder that turns red to signify to the user that a picture has been taken, column 28, lines 39-44).

Therefore it would have been obvious to a person having ordinary skill in the art at the time of the invention to use the photographing completion notification section as taught by Lavelle et al. in the viewfinder of the digital camera taught by the combination of Wiezel et al., Sannoh et al., and Nakamura for the benefit of improving efficiency by signifying to a user when, indeed, a picture has been taken(Lavelle et al., column 28, lines 39-44).

Conclusion

10. Due to Applicant's response, the objection made to the specification by the Examiner is hereby removed.

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Albert H. Cutler whose telephone number is (571)-270-1460. The examiner can normally be reached on Mon-Fri (7:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc-Yen Vu can be reached on (571)-272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AC

NGOC-YEN VU
SUPERVISORY PATENT EXAMINER